

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

APPLIES TO

*Am. Fed. of State, County and Mun. Emps.
Dist. Council 37 Health & Sec. Plan v.
Purdue Pharma, L.P.*, No. 1:18-op-45013

No. 1:17-md-2804

Judge Dan A. Polster

DECLARATION OF TYLER S. ROBERTS

I, Tyler S. Roberts, declare as follows:

1. I am a Counsel at Perkins Coie LLP and counsel in this action for Costco Wholesale Corporation. I submit this declaration in support of Costco Wholesale Corporation's Motion to Strike. I am competent to make this declaration and do so upon personal knowledge as indicated.

2. I attended the third-party payor status conference on July 31, 2024.

3. That conference addressed the third-party payor bellwether cases.

4. One of the topics discussed was some bellwether plaintiffs' maintenance of class-action allegations in their bellwether complaints despite the Court's earlier instruction that the bellwethers would be limited to individual actions.

5. Plaintiffs' counsel requested permission to move their class-action allegations from the bellwether complaints to a separate non-bellwether complaint for purposes of preserving them to potentially use in settling the third-party payor bellwether cases with defendants that are interested in doing so via a class action settlement.

6. Plaintiffs' counsel represented that the amended complaint would be for settlement purposes, and that plaintiffs had no intention of using that amended complaint to attempt to force a defendant to litigate a class action.

7. The Court questioned whether a separate complaint was necessary for willing defendants to settle on a class wide basis, but ultimately acquiesced in Plaintiffs' request.

8. Plaintiffs never requested, and the Court never granted, leave to add additional defendants at the July 31, 2024 status conference.

9. Costco Wholesale Corporation was not mentioned at the July 31, 2024 status conference.

10. Attached as **Exhibit 1** is a true and correct copy of an email and attached complaint I received from Plaintiffs' counsel's office on September 20, 2024.

11. Attached as **Exhibit 2** is a true and correct copy of an email sent to Plaintiffs' counsel and the Special Master on October 2, 2024.

12. I did not receive a response from Plaintiffs' counsel or the Special Master to the email attached as Exhibit 2.

13. Attached as **Exhibit 3** is a true and correct copy of an email exchange between Plaintiffs' counsel and Special Master Cohen on October 10 and 11, 2024.

14. Attached as **Exhibit 4** is a true and correct copy of an email sent to Plaintiffs' counsel and Special Master Cohen on October 15, 2024.

15. Attached as **Exhibit 5** is a true and correct copy of an email I received from Plaintiffs' counsel on October 16, 2024.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 12th day of November, 2024, at Seattle, Washington.

s/Tyler S. Roberts

Tyler S. Roberts